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May 22, 1956

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CONCORD, N.H.

Hon. James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Dear Sir:

In a letter of May 2, 1956, you referred to the numerous State Boards and Commissions, the members of which are compensated on a per diem basis. You noted that the federal-state agreement will in the near future be modified to bring Social Security coverage to positions in state service; and you inquired whether the members of such Boards and Commissions will come within the modified agreement.

It is my opinion that the positions held will be within the coverage of the Social Security Act.

I have considered the suggestion that these people might be deemed to be paid on a fee basis and thus within the mandatory exclusion in that regard insofar as the state service is concerned. It is my view that the compensation which the members receive is not in the form of a fee as the word fee is commonly understood. See 16 W.C.P. 319.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEW/aml